

Exhibit 2

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CLARE

ABIGAIL COSLOW, as Personal
Representative of the ESTATE OF
KANDY COSLOW,

Plaintiff,

v

TERRESSA CARSON and EDWIN
CARSON,

Defendants.

File No.: 24-900009-NI
Hon. Tara S. Hovey

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**OPINION AND ORDER ON PLAINTIFF'S
MOTION FOR RECONSIDERATION**

At a session of said Court held in the
courthouse in the City of Harrison,
County of Clare, State of Michigan on
the 6 day of January 2025.

Present: Honorable Tara S. Hovey
Circuit Judge

I. Introduction

Previously in this case, Plaintiff moved to amend the complaint. Plaintiff's motion sought to add a party defendant (Defendant Terressa Carson's employer) and add an allegation that Defendant Terressa Carson ("Carson") was in the course of employment at the time of the automobile accident. This Court denied the motion. However, the Court's analysis of the motion omitted the portion of the motion (see motion to amend, ¶ 4) that sought to add



TARA S. HOVEY
5TH CIRCUIT COURT JUDGE

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that Defendant Carson was in the course/scope of her employment at the time of the automobile accident.

The Court has reviewed the motion. For the reasons below, the motion is denied.

II. Court Rule

MCR 2.119(F) states:

(1) Unless another rule provides a different procedure for reconsideration of a decision (see, e.g., MCR 2.604[A], 2.612), a motion for rehearing or reconsideration of the decision on a motion must be served and filed not later than 21 days after entry of an order deciding the motion.

(2) No response to the motion may be filed, and there is no oral argument, unless the court otherwise directs.

(3) Generally, and without restricting the discretion of the court, a motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

III. Discussion

Plaintiff's reconsideration motion will be denied because the original motion and the reconsideration motion fail to show that a different disposition must result from the correction of the error of omission.

The previous opinion and order is reaffirmed and reincorporated herein by reference.

In addition to the substance of the previous analysis, the Court would deny Plaintiff's motion to amend the complaint based on her claimed and added allegation that Defendant Carson was driving in the course/scope of employment.

"[A] party may amend a pleading only by leave of the court or by written consent of the adverse party. Leave shall be freely given when justice so requires." MCR 2.118(A)(2).

"Leave to amend is generally a matter of right and should ordinarily be denied only for particularized reasons, including undue delay, bad faith, dilatory motive, or futility. *Green v Pontiac Pub Library*, ___ Mich App ___ (2024) (2024 WL 994950, at *3; citation omitted).

"An amendment is futile when (1) ignoring the substantive merits of the claim, it is legally insufficient on its face, (2) the amendment merely restates an allegation already stated, or (3) the court lacks jurisdiction over the added claim." *Id.* (citation omitted).



Plaintiff's motion is, again, futile.

Plaintiff's complaint of negligence is based on the allegations that Defendant Carson was driving and driving in manner that caused an accident. *Why* she was driving—whether in the course/scope of employment or not—does not change any of the negligence claim against her. Plaintiff is not seeking to add any new claim. And, again, Plaintiff cannot use this allegation to add another party because the first underlying opinion and order denied that motion.¹ Plaintiff has not presented a legally sufficient reason for adding this allegation against Defendant Carson.

Further, this proposed amendment merely restates an allegation already stated. The amended allegation is that Defendant Carson was driving, albeit now known for a certain purpose. The driving allegation was known from the original complaint.

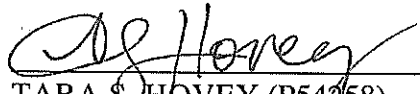
IV. Conclusion

For the reasons stated above, Plaintiff's motion for reconsideration is denied.

It is so ordered.

This is not a final order, and it does not close the case.

Dated: 1/6/2025


TARA S. HOVEY (P54258)
Circuit Judge

¹ Plaintiff is not seeking reconsideration of that part of the opinion and order.

JIS Code: POM

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 55th CLARE	PROOF OF MAILING	CASE NO. and JUDGE 24-900009-NI
Court address 225 W. MAIN, HARRISON, MI 48625		Court telephone no. (989) 539-7131
Plaintiff's name, address, and telephone no. ABIGAIL COSLOW, as Personal Representative of the ESTATE OF KANDY COSLOW	V	Defendant's name, address, and telephone no. TERRESSA CARSON and EDWIN CARSON
Plaintiff's attorney, bar no., address, and telephone no. Alexander L. Waldman (P80946) 31731 Northwestern Hwy., Ste. 333 Farmington Hills, MI 48334 (248) 538-5929		Defendant's attorney, bar no., address, and telephone no. Sean M. Freel (P81158) 540 W. Lake St., Ste. 2 Tawas City, MI 48763 (989) 362-3444
In the matter of _____		

On the date below I sent by first-class mail a copy of _____
 Opinion and Order on Plaintiff's Motion for Reconsideration

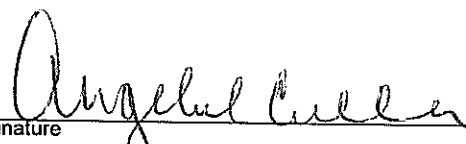
to: List names and addresses.

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I declare under the penalties of perjury that this proof of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

11/6/2025
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 Signature
 ANGELA S. CULLEN
 Name (type or print)